

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:

ALL ACTIONS BROUGHT BY DIRECT
ACTION PLAINTIFFS

JOINT STIPULATION (1) GOVERNING THE PROCESS BY WHICH ANY FUTURE MDL
DAP SHALL JOIN THE CONSOLIDATED COMPLAINT AND (2) GOVERNING THE
PROCESS BY WHICH DEFENDANTS SHALL ANSWER OR OTHERWISE RESPOND TO
COMPLAINTS FILED BY ANY FUTURE MDL DAPS (OR BY WHICH THEIR PRIOR
ANSWER TO THE CONSOLIDATED COMPLAINT SHALL APPLY TO COMPLAINTS
FILED BY ANY FUTURE MDL DAPS)

The Court's Order at ECF 1571 provides that, by December 12, 2022, the Parties shall file a proposed order (1) governing the process by which any future MDL DAP shall join the Consolidated Complaint, including a proposed short-form complaint if appropriate, and (2) governing the process by which Defendants shall answer or otherwise respond to the complaints filed by any future MDL DAPs (or by which their prior answer to the consolidated complaint shall apply to future DAPs' complaints).

Accordingly, the Parties stipulate to the following procedure that the Court may so order if acceptable to the Court:

1. Any future MDL DAP shall join the Consolidated Complaint by filing a Notice of Joinder in the Consolidated Complaint (Notice) within 14 days of being transferred to the

MDL Court or if filed initially in the District of Minnesota the Notice shall be the case initiating pleading.

2. The Notice of Joinder shall indicate:
 - a. All MDL DAPs joining in the Notice;
 - b. Any assignments on which the respective MDL DAP(s)' claims are based in whole or in part;
 - c. The defendants against which the future MDL DAP(s) is/are asserting its claim or claims and the claim or claims in the Consolidated Complaint that the future MDL DAP is joining;
 - d. All alleged non-Defendant co-conspirators; and
 - e. The definition of "Pork" adopted by the MDL DAP(s).

Defendants' Answers and affirmative defenses to the Consolidated Complaint and any order(s) from the Court on any dispositive motion relating to claims of all DAPs covered in the Consolidated Complaint, shall apply to such future MDL DAPs that join the Consolidated Complaint. However, if a Defendant maintains that one or more affirmative defenses uniquely applies to a future MDL DAP, the Defendant shall file a short form Answer identifying such affirmative defenses within 30 days of the Notice.

Dated: December 12, 2022.

Respectfully submitted,

s/ Robert N. Kaplan

Robert N. Kaplan

Matthew P. McCahill

Jason A. Uris

KAPLAN FOX & KILSHEIMER, LLP

850 Third Avenue, 14th Floor

New York, New York 10022

T: (212) 687-1980

rkaplan@kaplanfox.com

mmccahill@kaplanfox.com

juris@kaplanfox.com

/s/ Eric R. Lifvendahl

Eric R. Lifvendahl

L&G LAW GROUP, LLP

175 W. Jackson Blvd., Suite 950

Chicago, Illinois 60604

T: (312) 364-2500

elifvendahl@lgcounsel.com

/s/ Bernard D. Marcus

Bernard D. Marcus
Moiria Cain-Mannix
Brian C. Hill
MARCUS & SHAPIRA LLP
One Oxford Center, 35th Floor
Pittsburgh, Pennsylvania 15219
T: (412) 471-3490
marcus@marcus-shapira.com
cain-mannix@marcus-shapira.com
hill@marcus-shapira.com

/s/ Richard L. Coffman

Richard L. Coffman
THE COFFMAN LAW FIRM
3355 W. Alabama St., Suite 240
Houston, Texas 77098
T: (713) 528-6700
rcoffman@coffmanlawfirm.com

Counsel for Action Meat Distributors, Inc.; Topco Associates, LLC; Alex Lee, Inc. / Merchants Distributors, LLC; Associated Food Stores, Inc.; Brookshire Grocery Company; Colorado Boxed Beef Co.; Certco, Inc.; The Golub Corporation; Nicholas & Co.; PFD Enterprises, Inc.; SpartanNash Company; Springfield Grocer Company; The Distribution Group d/b/a Van Eerden Foodservice Co.; Troyer Foods, Inc.; URM Stores, Inc.; Giant Eagle, Inc.; and UniPro Foodservice, Inc.

/s/ David C. Eddy

David C. Eddy
Dennis J. Lynch
Travis C. Wheeler
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
T: (803) 771-8900
deddy@nexsenpruet.com
dlynch@nexsenpruet.com
twheeler@nexsenpruet.com

Counsel for Compass Group USA, Inc. Conagra Brands, Inc.; Howard B. Samuels, solely as Chapter 7 Trustee of the estate of Central Grocers, Inc.; Nestlé USA, Inc.; and Nestlé Purina PetCare Co.

/s/ Chase Keibler

Chase C. Keibler
Keibler Law Group LLC
6923 N Trenholm Rd Columbia, SC
29206
PHONE: 803.830.7241
FAX: 803.803.7264
Chase@KeiblerLaw.com

/s/ Daniel R. Karon

Daniel R. Karon
Beau D. Hollowell
KARON LLC
700 W. St. Clair Ave., Suite 200
Cleveland, OH 44113
Telephone: (216) 622-1851
dkaron@karonllc.com
bhollowell@karonllc.com

Howard B. Samuels, solely as Chapter 7 Trustee of the estate of Central Grocers, Inc.

/s/ David B. Esau

David B. Esau
Kristin A. Gore
Garth T. Yearick
Amanda R. Jesteadt
CARLTON FIELDS, P.A.
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401
T: (561) 659-7070
gyearick@carltonfields.com
kgore@carltonfields.com
desau@carltonfields.com
ajesteadt@carltonfields.com

Aaron A. Holman
Chelsey J. Clements
CARLTON FIELDS, P.A.
200 S. Orange Avenue, Suite 1000
Orlando, Florida 32801
T : 407-849-0300
aholman@carltonfields.com
cclements@carltonfields.com

Scott L. Menger
CARLTON FIELDS, P.A.
2029 Century Park East, Suite 1200
Los Angeles, CA 90067
T : (310) 843-6300
smenger@carltonfields.com

Roger S. Kobert
CARLTON FIELDS, P.A.
405 Lexington Avenue, 36th Floor
New York, New York 10174-3699
T: 212-785-2577
rkobert@carltonfields.com

Counsel for Cheney Brothers, Inc.; Subway Protein Litigation Corp., as Litigation Trustee of the Subway® Protein Litigation Trust; Buffalo Wild Wings, Inc., Jimmy John's Buying Group SPV, LLC, Sonic Industries Services, Inc., CKE Restaurants Holdings, Inc.; Wawa, Inc.; and Restaurant Services, Inc.

/s/ Scott E. Gant

Scott E. Gant
Michael S. Mitchell
BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW
Washington, DC 20005
T: 202-237-2727
sgant@bsfllp.com
mmitchell@bsfllp.com

Colleen Harrison
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, NY 10504
T: 914-749-8204
charrison@bsfllp.com

Sarah L. Jones
BOIES SCHILLER FLEXNER LLP
725 South Figueroa Street
Los Angeles, California 90017
T: 213-629-9040
sjones@bsfllp.com

Counsel for Sysco Corporation and Amory Investments LLC

/s/ Patrick J. Ahern

Patrick J. Ahern
Theodore B. Bell
AHERN & ASSOCIATES, P.C.
Willoughby Tower
8 South Michigan Avenue, Suite 3600
Chicago, Illinois 60603
T: (312) 404-3760
patrick.ahern@ahernandassociatespc.com
theo.bell@ahernandassociatespc.com

Counsel for Plaintiffs Winn-Dixie Stores, Inc.; Bi-Lo Holdings, LLC; and Kraft Heinz Foods Company

/s/ David P. Germaine

Paul E. Slater

Joseph M. Vanek

David P. Germaine

Phillip F. Cramer

Alberto Rodriguez

Jeffrey H. Bergman

SPERLING & SLATER, LLC

55 West Monroe Street, Suite 3200

Chicago, Illinois 60603

Tel: (312) 641-3200

Fax: (312) 641-6492

pes@sperling-law.com

jvanek@sperling-law.com

dgermaine@sperling-law.com

pcramer@sperling-law.com

arodriguez@sperling-law.com

jbergman@sperling-law.com

Christina Lopez

**SHERRARD ROE VOIGT &
HARBISON, PLC**

150 3rd Avenue South, Suite 1100

Nashville, Tennessee 37201

Phone: (615) 742-4200

clopez@srvhlaw.com

Counsel for Associated Grocers of the South, Inc.; Dollar General Corporation; Dolgencorp, LLC; Meijer, Inc.; Meijer Distribution, Inc.; Publix Super Markets, Inc.; Raley's; United Natural Foods, Inc.; Supervalu, Inc.; Associated Grocers of Florida, Inc.; Unified Grocers, Inc.; Tony's Fine Foods; and Wakefern Food Co.

/s/ Philip J. Iovieno

Philip J. Iovieno
Nicholas A. Gravante, Jr.
Lawrence S. Brandman
Jack G. Stern

Gillian Groarke Burns

Mark A. Singer

Elizabeth R. Moore

CADWALADER, WICKERSHAM & TAFT LLP

200 Liberty Street

New York, NY 10281

T: (212) 504-6000

philip.iovieno@cwt.com

nicholas.gravante@cwt.com

lawrence.brandman@cwt.com

jack.stern@cwt.com

gillian.burns@cwt.com

mark.singer@cwt.com

elizabeth.moore@cwt.com

*Counsel for Aramark Food and Support Services Group, Inc.; Target Corporation;
Gordon Food Service, Inc.; Glazier Foods Company; Quality Supply Chain Co-Op, Inc.;
Sherwood Food Distributors, L.L.C.; Harvest Meat Company, Inc.; Western Boxed Meat
Distributors, Inc.; Hamilton Meat, LLC; Jetro Holdings, LLC; and BJ's Wholesale
Club, Inc.; and Co-Counsel for Plaintiffs Kraft Heinz Foods Company; Winn-Dixie
Stores, Inc.; and Bi-Lo Holdings, LLC*

/s/ Christopher P. Wilson

William C. Lavery

Christopher P.

Wilson Danielle

Morello Wyatt M.

Carlock **BAKER**

BOTTS LLP

700 K Street NW

Washington, DC

20001

Telephone: (202) 639-7700

Facsimile: (202) 639-7890

william.lavery@bakerbotts.com

christopher.wilson@bakerbotts.com

danielle.morello@bakerbotts.com

wyatt.carlock@bakerbotts.com

Counsel for ALDI Inc.

By: William J. Blechman

Richard A. Arnold, Esquire
William J. Blechman, Esquire
Anna T. Neill, Esquire
Kevin A. Murray, Esquire
Douglas H. Patton, Esquire
Samuel J. Randall, Esquire
Michael A. Ponzoli, Esquire
**KENNY NACHWALTER
P.A.**

1441 Brickell Avenue
Suite 1100
Miami, Florida 33131
Tel: (305) 373-1000
Fax: (305) 372-1861
rarnold@knpa.com
wblechman@knpa.com
aneill@knpa.com
kmurray@knpa.com
dpatton@knpa.com
srandall@knpa.com
mponzoli@knpa.com

Counsel for The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc., and Save Mart Supermarkets

By: /s/ Tiffany Rider Rohrbaugh

Rachel J. Adcox (*pro hac vice*)
Tiffany Rider Rohrbaugh (*pro hac vice*)
Lindsey Strang Aberg (*pro hac vice*)
Brandon Boxbaum (*pro hac vice*)
Allison Vissichelli (*pro hac vice*)
Keith Holleran (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
1901 L Street NW
Washington, DC 20036
(202) 912-4700
radcox@axinn.com
trider@axinn.com
lstrang@axinn.com
bboxbaum@axinn.com
avissichelli@axinn.com
kholleran@axinn.com

Jarod Taylor (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
90 State House Square
Hartford, CT 06103
(860) 275-8109
jtaylor@axinn.com

Kail Jethmalani (*pro hac vice*)
Craig M. Reiser (*pro hac vice*)
Andrea Rivers (*pro hac vice*)
Victoria J. Lu (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, NY 10036
(212) 728-2200
kjethmalani@axinn.com
creiser@axinn.com
arivers@axinn.com
vlu@axinn.com

David P. Graham (#0185462)
DYKEMA GOSSETT PLLC
4000 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 486-1521
dgraham@dykema.com

***Counsel for Tyson Foods, Inc., Tyson
Prepared Foods, Inc. and Tyson Fresh
Meats, Inc.***

/s/ Mark L. Johnson

Mark L. Johnson (#0345520)
Davida S. McGhee (#0400175)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
mjohnson@greeneespel.com
dwilliams@greeneespel.com

Daniel Laytin, P.C. (*pro hac vice*)
Christa Cottrell, P.C. (*pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle

/s/ Craig S. Coleman

Richard A. Duncan (#0192983)
Aaron D. Van Oort (#0315539)
Craig S. Coleman (#0325491)
Emily E. Chow (#0388239)
Isaac B. Hall (#0395398)
FAEGRE DRINKER BIDDLE & REATH
LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7000
richard.duncan@faegredrinker.com
aaron.vanoort@faegredrinker.com

Chicago, IL 60654
(312) 861-2000
daniel.laytin@kirkland.com
christa.cottrell@kirkland.com

***Counsel for Clemens Food Group, LLC
and The Clemens Family Corporation***

craig.coleman@faegredrinker.com
emily.chow@faegredrinker.com
isaac.hall@faegredrinker.com

Jacob D. Bylund (*pro hac vice*)
Stephanie A. Koltookian (*pro hac vice*)
Robert C. Gallup (#0399100)
FAEGRE DRINKER BIDDLE &
REATH LLP
801 Grand Ave., 33rd Floor
Des Moines, IA 50309
(515) 248-9000
jacob.bylund@faegredrinker.com
stephanie.koltookian@faegredrinker.com
robert.gallup@faegredrinker.com

Jonathan H. Todt (*pro hac vice*)
FAEGRE DRINKER BIDDLE & REATH
LLP
1500 K Street NW, Suite 1100
Washington, DC 20005
(202) 842-8800
jonathan.todt@faegredrinker.com

John S. Yi (*pro hac vice*)
FAEGRE DRINKER BIDDLE & REATH
LLP
One Logan Square, Suite 2200
Philadelphia, PA 19103
(215) 988-2700
john.yi@faegredrinker.com

Counsel for Hormel Foods Corporation

/s/ Peter H. Walsh

Peter H. Walsh (#0388672)
HOGAN LOVELLS US LLP
80 South Eighth Street, Suite 1225
Minneapolis, MN 55402
(612) 402-3000
peter.walsh@hoganlovells.com

William L. Monts (*pro hac vice*)
Justin W. Bernick (*pro hac vice*)
HOGAN LOVELLS US LLP
Columbia Square
555 Thirteenth Street, NW

/s/ Christopher A. Smith

Aaron Chapin (#0386606)
Christopher A. Smith (*pro hac vice*)
Tessa K. Jacob (*pro hac vice*)
A. James Spung (*pro hac vice*)
Jason Husgen (*pro hac vice*)
Sarah L. Zimmerman (MDL registered)
Kate Ledden (MDL registered)
Tanner Cook (MDL registered)
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Ste 600
St. Louis, MO 63105
Telephone: (314) 480-1500

Washington, D.C. 20004
(202) 637-5600
william.monts@hoganlovells.com
justin.bernick@hoganlovells.com

Counsel for Agri Stats, Inc.

aaron.chapin@huschblackwell.com
chris.smith@huschblackwell.com
tessa.jacob@huschblackwell.com
james.spung@huschblackwell.com
jason.husgen@huschblackwell.com
sarah.zimmerman@huschblackwell.com
kate.ledden@huschblackwell.com
tanner.cook@huschblackwell.com

Counsel for Triumph Foods, LLC

/s/ William L. Greene

William L. Greene (#0198730)
Peter J. Schwinger (#0388909)
William D. Thomson (#0396743)
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
(612) 335-1500
william.greene@stinson.com
peter.schwinger@stinson.com
william.thomson@stinson.com

J. Nicci Warr (*pro hac vice*)
STINSON LLP
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
(314) 863-0800
nicci.warr@stinson.com

***Counsel for Seaboard Foods LLC and
Seaboard Corporation***

/s/ Donald G. Heeman

Donald G. Heeman (#0286023)
Jessica J. Nelson (#0347358)
Randi J. Winter (#0391354)
SPENCER FANE LLP
100 South Fifth Street, Suite 1900
Minneapolis, MN 55402-4206
(612) 268-7000
dheeman@spencerfane.com
jnelson@spencerfane.com
rwinter@spencerfane.com

Stephen R. Neuwirth (*pro hac vice*)
Michael B. Carlinsky (*pro hac vice*)
Sami H. Rashid (*pro hac vice*)
Richard T. Vagas (*pro hac vice*)
David B. Adler (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
stephenneuwirth@quinnemanuel.com
michaelcarlinsky@quinnemanuel.com
samirashid@quinnemanuel.com
richardvagas@quinnemanuel.com
davidadler@quinnemanuel.com

Counsel for JBS USA Food Company

/s/ John A. Cotter

John A. Cotter (#0134296)

John A. Kvinge (#0392303)

LARKIN HOFFMAN DALY &
LINDGREN LTD.

8300 Norman Center Drive, Suite 1000

Minneapolis, MN 55427-1060

(952) 835-3800

jcotter@larkinhoffman.com

jkvinge@larkinhoffman.com

Richard Parker (*pro hac vice*)

Josh Lipton (*pro hac vice*)

GIBSON, DUNN & CRUTCHER, LLP

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036-5306

(202) 955-8500

rparker@gibsondunn.com

jlipton@gibsondunn.com

Brian Robison (*pro hac vice*)

BROWN FOX PLLC

6303 Cowboys Way, Suite 450

Frisco, TX 75034

(972) 707-1809

brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc.